



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter II - Animals and Fish

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter II - Animals and Fish

Fish

Private Acts of 1953 Chapter 374

SECTION 1. That any resident of Hancock County may lawfully fish for rough fish with nets in that portion of the Clinch and Powell Rivers which flow through such County. Provided, however, that but one such net shall be used by any single family. All game fish so caught shall be immediately returned to the waters and not kept; provided the nets are not placed across the rivers or across any stream flowing into either of said rivers near the mouth or entrance of such stream into said river so as to block the stream, it being the intent of the Legislature to keep the streams open at all times. Provided, however, nets so used shall not be less than 2 inch mesh.

As amended by: Private Acts of 1961, Chapter 366

SECTION 2. That nothing herein shall authorize fishing in said river by means of nets without the necessity of a license from the State Fish and Game Department of the type issued to individuals.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 1, 1953.

Hunting Big Game

Private Acts of 1978 Chapter 180

SECTION 1. No person shall hunt, take, chase, trap, or kill deer, bear, wild hog, or any other species of large mammals that may be introduced or transplanted into this county for hunting, upon the land of another without having first obtained the written permission or approval of the owners of the land, or of the person or persons in charge of such land, and having authority from the owner to give such permission. Such written permission shall be carried by the hunter any time he is hunting big game, as defined by the first sentence of this section, upon the land of another.

SECTION 2. The provisions of this Act may be enforced by any officer or authorized agent of the wildlife resources commission. Any person found hunting big game upon the land of another who does not have such written permission in his possession shall be subject to a fine not to exceed fifty dollars (\$50.00).

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Hancock County. Its approval or nonapproval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

PASSED: February 8, 1978.

Livestock Inspector

Private Acts of 1953 Chapter 358

SECTION 1. That in counties of this State with a population of not less than 9,100, nor more than 9,150, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years, not exceeding three animal inspectors. It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said County and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said County shall not

be liable for the default or negligence of any such livestock inspectors where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1953.

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Hancock County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 59, made it unlawful to hunt, kill or capture any wild deer in Hancock County, from December 1st to September 30th of each year. This act was repealed by Private Acts of 1978, Chapter 204.
2. Public Acts of 1899, Chapter 379, made it unlawful to catch fish by the use of explosives and also prohibited any fishing from March 15th to June 1st of each year. This act was repealed by Private Acts of 1978, Chapter 204.
3. Private Acts of 1901, Chapter 454, allowed the citizens of Hancock County to catch fish in any of the streams of said county with traps and gigs.
4. Acts of 1903, Chapter 400, allowed Hancock County residents to catch fish for their own use by any means they chose, except dynamite or seines or nets with meshes of less than 1¼".
5. Acts of 1905, Chapter 299, was the first stock law for Hancock County, making the owner of livestock liable for damages done by his stock which were allowed to run at large.
6. Private Acts of 1911, Chapter 114, was the next attempt to impose restrictions on roaming livestock in the county. This law made it unlawful to allow stock to roam at large and subjected the owner to the payment of damages, but this act specified that it was lawful for livestock owners to use unfenced lands in Hancock County for summer range, if the stock were under the care of a herdsman.
7. Private Acts of 1913, Chapter 180, established a lawful fence law in Hancock County.
8. Private Acts of 1915, Chapter 279, allowed fishing in any manner, except dynamite or poison.
9. Private Acts of 1921, Chapter 405, exempted Hancock County from the general law regulating the ownership of dogs.
10. Private Acts of 1937, Chapter 230, provided that county residents who went hunting within the county and during the open season for rabbits, foxes and squirrels did not require a license, nor were county residents required to purchase a fishing license if their fishing was recreational and not for profit.
11. Private Acts of 1961, Chapter 313, attempted to prohibit the use of firearms for hunting on Sundays in Hancock County, but the provisions of this act were rejected by local authorities and it never became law.
12. Private Acts of 1992, Chapter 216, would have repealed Private Acts of 1953, Chapter 374, however, according to the Hancock County Attorney, this act was never ratified by the Hancock County and therefore never became law.

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